

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION

PAMELA ARMISTED, as Guardian of
JONATHAN BOYCE, KATHLEEN CHAUVIN,
as Guardian of JOSEPH CHAUVIN, JERRY
WAGNER, as Guardian of LESLIE STEWART,
EILEEN ADAMS, as Guardian of JOSHUA
ADAMS, HAROLD ADAMS and GARY
PARKS, as Guardian of TOWANDA PARKS

2:07-cv-10259
HON. ARTHUR J. TARNOW

Plaintiffs,

vs.

STATE FARM MUTUAL AUTOMOBILE
INSURANCE COMPANY, an
Illinois Corporation,

Defendant.

**ORDER DENYING DEFENDANT'S MOTION TO DISQUALIFY PLAINTIFFS'
COUNSEL AND THE LAW FIRM OF LISS, SEDER AND ANDREWS, P.C.**

This matter having come before the Court on Defendant's Motion to Disqualify Counsel and the law firm of Liss, Seder & Andrews, P.C., briefs having been filed, argument heard and the Court being fully advised:

THE COURT HEREBY ISSUES THE FOLLOWING FINDINGS:

1. The instant litigation does not constitute the 'same or substantially similar matter' as presented in Mr. Nicholas Andrew's previous employment with State Farm or James C. Rabaut & Associates;
2. Mere familiarity with the corporate culture at State Farm is an insufficient basis upon which to justify disqualification of counsel or his law firm;

3. The Affidavits submitted by State Farm, from attorneys John C. Brennan and James C. Rabaut, are general in nature and not specific to any particular matter, and as such are insufficient to establish the existence of any conflict;
4. There is no presumption that an attorney will utilize privileged or confidential information regarding a former client;
5. Defendant has not met its burden under the law to justify disqualification of Mr. Andrew's or the law firm of Liss, Seder and Andrews, P.C.;
6. The Court is satisfied that no conflict of interest under MRPC 1.9, or grounds for withdrawal under MRPC 1.6 has been demonstrated by Defendant.

IT IS ORDERED that Defendant's Motion to Disqualify Counsel and the law firm of Liss, Seder & Andrews, P.C. is DENIED.

s/Donald A. Scheer
DONALD A. SCHEER
U.S. MAGISTRATE JUDGE

Dated: April 3, 2008

CERTIFICATE OF SERVICE

I hereby certify on April 3, 2008 that I electronically filed the foregoing paper with the Clerk of the Court sending notification of such filing to all counsel registered electronically. I hereby certify that a copy of this paper was mailed to the following non-registered ECF participants on April 3, 2008. **None.**

s/Michael E. Lang
Deputy Clerk to
Magistrate Judge Donald A. Scheer
(313) 234-5217